THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9300 OF 2007

Dated: 30-04-2007

Between:

M/s Bhargavi Cotton Traders …Petitioner

And

The Appellate Deputy Commissioner of
Commercial Taxes and another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.9300 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

The appeal filed by the petitioner on 26-08-2006 has been rejected by the appellate authority on the same day, on the ground that the petitioner had failed to pay 12.5% of the disputed tax and also the admitted tax, which is a requirement under law.

The petitioner submits that he was not given any notice to remove the defects before the order, rejecting the appeal, was passed.

Without going into the controversy whether the appellate authority should have passed the impugned order or not, we are allowing this writ petition directing the first respondent-appellate authority to entertain the appeal of the petitioner and dispose it of on merits as we are told that after the order of rejection of the appeal has been passed, the petitioner has deposited 12.5% of the disputed tax and also the admitted tax on 18-04-2007. No order as to costs.

(Bilal Nazki,J)

Dated 30th April, 2007

(Nooty Ramamohana Rao,J)

Note: Issue C.C in one week.
(b/o)

vrn